

Calendar No. 1806

82D CONGRESS }
2d Session }

SENATE

REPORT
No. 1876

MALICA MACESICH

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1433]

The Committee on the Judiciary, to which was referred the bill (S. 1433) for the relief of Malica Macesich, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable a former United States citizen to regain her citizenship which was lost by voting in an election in Yugoslavia in 1950.

STATEMENT OF FACTS

The beneficiary of the bill acquired citizenship at her birth in Yugoslavia on December 16, 1931, through her father who was naturalized in 1925. Two of her brothers were born in Cleveland, Ohio, and in 1931 the family went to Yugoslavia for a visit. The father and the brothers returned to the United States but the mother and daughter remained in Yugoslavia. The mother's petition for an immigration visa has been approved. The brothers are in our Armed Forces.

A letter dated September 27, 1951, to the chairman of the Senate Committee on the Judiciary from the Acting Deputy Attorney General with reference to the case reads as follows:

SEPTEMBER 27, 1951.

Hon. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1433) for the relief of Malica Macesich, an alien.

The bill would provide that Malica Macesich, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, as amended, may be naturalized by taking prior to 1 year after the date of its enactment, before any court referred to in subsection (a) of section 301 of the Nationality Act of 1940, as amended, or before any diplomatic or consular officer of the United States abroad, the oath prescribed by section 335 of the Act. It would further provide that thereafter Malica Macesich shall have the same citizenship status as that which existed immediately prior to its loss.

The files of the Immigration and Naturalization Service of this Department disclose that Miss Macesich was born on December 16, 1931, in Vinkobici, Yugoslavia, and is presently residing in that country. She acquired United States citizenship at birth through her father, who was naturalized in the United States District Court Pittsburgh, Pa., on April 15, 1925. She applied for a United States passport about November 1950, but her application was denied on the ground that she had lost her United States citizenship by voting in Yugoslav elections.

According to Petty Officer George M. Macesich, United States Navy, a brother of Miss Macesich, she had voted on two occasions, in June 1950, and in November 1950. Mr. Macesich stated that his parents came to the United States about 1911 that he was born on May 27, 1927, in Cleveland, Ohio, and that he has a brother, Walter who was born on August 5, 1928, in Cleveland. He further stated that sometime in 1931, he, his parents, and his brother left the United States for Yugoslavia; that he, his brother, and his father left Yugoslavia and returned to the United States in March 1936, and that his sister and his mother remained in Yugoslavia. Mr. Macesich advised that his father was preparing to bring his sister and mother to the United States when the war broke out and that in 1946, when he attempted to effect their entry into this country the Yugoslav Government would not permit them to leave. The record indicates that the mother's petition for an immigration visa has been approved.

As a result of her loss of United States citizenship, the alien is chargeable to the Yugoslav quota which is oversubscribed and an immigration visa is not readily obtainable. No reason is perceived why she should be permitted to regain her United States citizenship by special legislation.

Accordingly, the Department of Justice is unable to recommend the enactment of the bill

Yours sincerely,

WM. AMORY UNDERHILL,
Acting Deputy Attorney General.

Senator Robert A. Taft, the author of the bill, has submitted the following information in connection with the bill:

U. S. NAVAL GUN FACTORY,
 Washington 25, D. C., May 31, 1951.

Senator ROBERT A. TAFT,
United States Senate, Washington, D. C.

MY DEAR SENATOR TAFT: In reply to your letter of the 29th of May, concerning S. 1433 for the relief of my sister Milica Macesich, I should like to invite your attention to an error in the spelling of my sister's name: It is Milica not Malica.

In reply to the information requested by Senator McCarran, chairman, Committee on the Judiciary, my answers are as following:

(2) My sister's present activities in Yugoslavia are: She has been unemployed for the past 6 months with the Yugoslav Government giving her anything but cooperation

(3) As stated in answer No. 2: My sister has been unemployed for the past 6 months, more specifically since her application for an American passport in December 1950. My father, my brother, and I are sending to my mother and sister food packages, clothes, and money.

(4) My sister is not and has never been engaged in any activities, political or otherwise, injurious to the American public interest; with one qualification, she has participated in two political elections, although through no choice of her own

(5) My sister has never been convicted of an offense under any Federal or State law.

My brother and I are both in the Armed Forces of the United States. I have been in the United States Navy for the past 8 years. My brother has been in the United States Army for the past year. It is very difficult for the three of us to know that our mother and sister are living in such destitution and poverty in Yugoslavia.

We have not seen our mother and sister for the past 15 years, and if S. 1433 is not enacted we never shall.

We have been trying to bring our mother and sister to this country since the conclusion of the war, and it was not until November 1950 that we discovered that my sister had a claim to American citizenship but, unfortunately, she had participated in two elections, held that year in Yugoslavia, thereby expatriating herself. She is only 20 years old, and will without question make an excellent citizen of the United States.

The Yugoslav Government has issued a passport to my mother only. The expiration date of this passport is September 1951.

Very respectfully yours,

GEORGE MACESICH,
Engineman First Class, United States Navy.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1433) should be enacted.



(4) My sister is not and has never been engaged in any activities political or otherwise inimical to the American public interest, with one possible exception: she has participated in two political elections, although through no choice of her own. My sister has never been convicted of an offense under any Federal or State law.

My brother and I are both in the Armed Forces of the United States. I have been in the United States Navy for the past 8 years. My brother has been in the United States Army for the past year. It is very difficult for the three of us to know just our mother and sister are living in such destitution and poverty in Yugoslavia.

We have not seen our mother and sister for the past 15 years, and if I could not contact them, I have never shall.

We have been trying to induce our mother and sister to this country since the conclusion of the war, and it was not until November, 1950 that we discovered that my sister had a claim to American citizenship for, unfortunately, she had participated in two elections held that year in Yugoslavia, thereby expatriating herself. She is only 30 years old, and will without question make an excellent citizen of the United States.

The Yugoslav Government has issued a passport to my mother only. The expiration date of this passport is September, 1951.

Very respectfully yours,

(Thomas Macheschi)

Engineer First Class, United States Navy

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1433) should be enacted.

○